

**'IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
JAN 13 2017

JEFFREY A. BENDER,

Clerk, U.S. District Court
Texas Eastern

Plaintiff,

CIVIL ACTION NO. 4:12-cv-00245

V.

**PAUL H. FENIMORE, CHARLOTTE E.
MCLARRY, AS REPRESENTATIVE OF
THE ESTATE OF GARY K. MCLARRY,
and HOPKINS COUNTY, TEXAS,**

Defendants.

VERDICT FORM

We, the jury, impaneled and sworn in the above entitled cause, do, upon our oaths, find as follows:

QUESTION 1

Did Plaintiff Jeffrey Bender prove, by a preponderance of the evidence, that Defendant Paul Fenimore arrested him without probable cause, in violation of the Fourth Amendment?

Answer "Yes" or "No."

ANSWER: NO

If you answered “Yes” to Question 1, then proceed to Question 2.
Otherwise, proceed to Question 6.

QUESTION 2

Do you find that Defendant Fenimore is entitled to the defense of qualified immunity for the arrest of Plaintiff Bender without probable cause, under the law given to you by the Court?

Answer "Yes" or "No."

ANSWER:

**If you answered “No” to Question 2, then proceed to Question 3.
Otherwise, proceed to Question 6.**

QUESTION 3

What sum of money, if any, if paid in cash, would fairly and reasonably compensate Plaintiff Bender for his damages proximately caused by the arrest of Plaintiff Bender without probable cause?

Answer in dollars and cents, if any, for the following items and none other:

1. Compensatory damages, if any, that were sustained in the past:

ANSWER: \$ _____

2. Mental anguish damages, if any, that were sustained in the past:

ANSWER: \$ _____

3. Mental anguish damages, if any, that in all likelihood will be suffered in the future:

ANSWER: \$ _____

Proceed to Question 4.

QUESTION 4

Do you find that punitive damages should be assessed against Defendant Fenimore for the arrest of Plaintiff Bender without probable cause under the law given to you by the Court?

Answer "Yes" or "No."

ANSWER: _____

**If you answered "Yes" to Question 4, then proceed to Question 5.
Otherwise, proceed to Question 6.**

QUESTION 5

What sum of money, if any, should be assessed as punitive damages under the instructions and law given to you by the Court?

Answer in dollars and cents, if any, for the following items and none other:

ANSWER: \$ _____

Proceed to Question 6.

QUESTION 6

Did Plaintiff Bender prove, by a preponderance of the evidence, that Defendant Fenimore used excessive force against him in violation of the Fourth Amendment?

Answer "Yes" or "No."

ANSWER: NO

**If you answered "Yes" to Question 6, then proceed to Question 7.
Otherwise, do not proceed further and sign and return this Verdict Form.**

QUESTION 7

Do you find, from a preponderance of the evidence, that Defendant Fenimore's use of excessive force was the proximate cause of alleged injuries to Plaintiff Bender?

Answer "Yes" or "No."

ANSWER: _____

**If you answered "Yes" to Question 7, then proceed to Question 8.
Otherwise, do not proceed further and sign and return this Verdict Form.**

QUESTION 8

Do you find that Defendant Fenimore is entitled to the defense of qualified immunity for using excessive force against Plaintiff Bender, under the law given to you by the Court?

Answer "Yes" or "No."

ANSWER: _____

**If you answered "No" to Question 8, then proceed to Question 9.
Otherwise, do not proceed further and sign and return this Verdict Form.**

QUESTION 9

What sum of money, if any, if paid in cash, would fairly and reasonably compensate Plaintiff Bender for his damages proximately caused by Defendant Fenimore's use of excessive force?

Answer in dollars and cents, if any, for the following items and none other:

4. Compensatory damages, if any, that were sustained in the past:

ANSWER: \$ _____

5. Mental anguish damages, if any, that were sustained in the past:

ANSWER: \$_____

6. Mental anguish damages, if any, that in all likelihood will be suffered in the future:

ANSWER: \$_____

Proceed to Question 10.

QUESTION 10

Do you find that punitive damages should be assessed against Defendant Fenimore for using excessive force against Plaintiff Bender, under the law given to you by the Court?

Answer "Yes" or "No."

ANSWER:

**If you answered “Yes” to Question 10, then proceed to Question 11.
Otherwise, do not proceed further and sign and return this Verdict Form.**

QUESTION 11

What sum of money, if any, should be assessed as punitive damages under the instructions and law given to you by the Court?

Answer in dollars and cents, if any, for the following items and none other:

ANSWER: \$

Sign and date this form.

Date: JAN 13, 2017

Foreperson